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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/590,150	04/02/2007	Butrico Pat	P50297	2485
40/401 7590 08/27/2009 Hershkovitz & Associates, LLC 2845 Duke Street Alexandria, VA 22314				
EXAMINER				
JONES, MARCUS D				
ART UNIT		PAPER NUMBER		
3714				
NOTIFICATION DATE		DELIVERY MODE		
08/27/2009		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

USPTO@hershkovitz.net
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**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/590,150

Applicant(s)

PAT ET AL.

Examiner

MARCUS D. JONES

Art Unit

3714

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 18 August 2009 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

/John M Hotaling II/
Supervisory Patent Examiner, Art Unit 3714

/Marcus D. Jones/
Examiner, Art Unit 3714

Continuation of 11, does NOT place the application in condition for allowance because: With respect to claims 33 and 51, the Applicant asserts that "a gaming table is not disclosed or suggested throughout the disclosure of Gelinotte."

The Examiner respectfully disagrees.

The Examiner points the Applicant to page 2, par 31 and page 3, par 43 of Gelinotte. Gelinotte discloses that the station includes a plurality of antennas partially or wholly integrated into a gaming, change or cash table or into a chip sorting device. Further that the station may further comprise at least one of a gaming table, a change table a cash table and a chip sorting device. In this instance, the stations requires use by a gaming, change or cash table for operation. Gelinotte also discloses the use of the gaming, change and cash tabletops (pg 1, par 3).

The Applicant also asserts that Gelinotte does not contain individual gaming stations for players.

The Examiner respectfully disagrees.

As with using any gaming table, designated areas would be inherent in a system that deals with gaming chips. If individual gaming stations were not present, then the antenna system would only count the chips that area available for play on the table all together rather than for each player. While that information may be useful for general accounting purposes, it does no good when counting player chips individually.

The Applicant further asserts that Gelinotte fails to disclose an operator side of the gaming table.

The Examiner respectfully disagrees.

In the previous Office Action, the Examiner identified the "first side" as the flat side of the gaming table as where the dealer is generally located. However, as claimed, the operator side of the table could be any "side" of the table as there is not a limiting feature.

Subsequently, the Examiner maintains that the "flat side" of the gaming table, in which the station of Gelinotte is integrated, would be where the dealer would be located.

The Applicant also asserts that the chip storage discussed in Gelinotte, has nothing to do with the storage station of Gelinotte (pg 1, par 10).

The Examiner disagrees for two reasons. Firstly, Gelinotte incorporates EP 0740818 by reference. Secondly, the Applicant agrees that the entirety of Gelinotte discusses a storage station for chips, while disagreeing that a tabletop is anticipated.

The Applicant also asserts that the display peripheral of Gelinotte does not teach or suggest the limitations regarding the display device located on the tabletop in reach of the operator as recited in claim 33.

The Examiner respectfully disagrees.

The Examiner submits that locating the display peripheral anywhere on the gaming table is in reach of the operator. As claimed, Gelinotte teaches the display device.

The Applicant submits that Gelinotte fails to disclose a chip testing area. However, as claimed, the chip testing area comprises an anti-collision device. In the previous Office Action, an anti-collision function is used to discriminate between the chips. This function can be performed anywhere on the gaming tabletop.

With respect to claims 38 and 52, the Applicant submits that Gelinotte fails to disclose a communication unit under the tabletop of the gaming table.

The Examiner respectfully disagrees.

Gelinotte does disclose a communication unit that is wholly or partially under the tabletop of the gaming table. Furthermore, the location of the communication is merely a design choice and does not change the function of the communication unit itself. In this instance, it would not matter if the communication unit was located on the top of the tabletop or on the side, the communication abilities are not affected.

With respect to claims 43, 44, and 56, the Applicant asserts that Gelinotte does not disclose a multiplexing circuit.

The Examiner respectfully disagrees.

Gelinotte discloses a multiplexing card connected to the processor and read/write lines (pg 4, par 60-61).

With respect to claim 34, the Applicant asserts that it does not require "routine skill" to flush mount a display screen to a tabletop.

The Examiner respectfully disagrees.

The Examiner submits that a person having ordinary skill in the art of gaming table manufacture would recognize that flush mounting a screen to a gaming table is old and well known in the art. Clearly only requiring routine skill similar to attaching a display to the gaming table by other attachment means.

With respect to claims 40 and 53, the Applicant asserts that Gelinotte fails to disclose that the chip testing area is located beside a tip box.

The Examiner respectfully disagrees.

Walker discloses the tip interrogator in Figure 5. The Applicant makes the point that the tip interrogator serves to report to a site controller any data relating to the tabletop or tip box, and is not a tip box. The Examiner submits that in order for the tip interrogator to function, a tip box must be present on the tabletop. Therefore, the tip box being located anywhere on the tabletop would be considered to be beside the testing area.

With respect to claim 41, the Applicant submits that Gelinotte does not teach the claimed feature of disposing two gaming chip testing areas. However, as discussed above, Gelinotte discloses multiple testing areas on the same tabletop.

The Applicant also submits that an advantage to the present invention is that it allows the operator to manipulate the chips without looking away from the playing area and that the display being centrally located is not design choice.

The Examiner respectfully disagrees.

By placing the displays anywhere on the gaming tabletop, the display is centrally located as long as the display is visible to the operator. For example, a left handed dealer may find it more suitable have a display placed on their right, and vice versa. This solves the problem of the dealer still having visibility of the playing area, but also of the display.

With respect to claim 46, see above discussion of claim 33 regarding chip testing area.

With respect to claim 37, the Applicant asserts that the bet displays of French are distinctive from the display device of claim 37 because they are located differently and have different function from the claimed display.

The Examiner respectfully disagrees.

As to the location of the bet displays, as claimed, French teaches that the bet displays are located in front of the dealer area for viewing. And regarding the function of the bet display, not distinct function for the displays of claim 37 is claimed. Subsequently, the current rejection of claim 37 is maintained...